

AMENDED IN SENATE APRIL 8, 2015

SENATE BILL

No. 502

Introduced by Senator Leno

(Coauthors: Senators Hancock, Hill, and Wieckowski)

(Coauthors: Assembly Members Baker, Chiu, Chu, and Ting)

February 26, 2015

An act to amend Section 701.8 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 502, as amended, Leno. San Francisco Bay Area Rapid Transit District: purchase and delivery of electricity.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the San Francisco Bay Area Rapid Transit District's (BART) system to elect to obtain electricity from multiple sources, including (1) preference power purchased from a federal power marketing agency or its successor, (2) electricity supplied by one or more direct transactions, and (3) electricity supplied by any electric utility regulated by the commission that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system. Existing law requires any electrical corporation that owns and operates transmission and distribution facilities that deliver electricity to BART, upon request by BART, to deliver preference power purchased from a federal power marketing agency, or its successor, or deliver electricity purchased from a local publicly owned electric utility without discrimination or delay.

This bill would additionally require any electrical corporation that owns and operates transmission and distribution facilities that deliver

electricity to BART, upon request by BART, to deliver electricity generated by an eligible renewable energy resource without discrimination or delay. For these purposes, an “eligible renewable energy resource” would have the same meaning as *defined in a specified provision of the California Renewables Portfolio Standard Program*.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 701.8 of the Public Utilities Code is
2 amended to read:

3 701.8. (a) To ensure that electrical corporations do not operate
4 their transmission and distribution monopolies in a manner that
5 impedes the ability of the San Francisco Bay Area Rapid Transit
6 District (BART District) to reduce its electricity cost through the
7 purchase and delivery of preference power, electrical corporations
8 shall meet the requirements of this section.

9 (b) Any electrical corporation that owns and operates
10 transmission and distribution facilities that deliver electricity at
11 one or more locations to the BART District’s system shall, upon
12 request by the BART District, and without discrimination or delay,
13 use the same facilities to do any or all of the following:

14 (1) Deliver preference power purchased from a federal power
15 marketing agency or its successor.

16 (2) Deliver electricity purchased from a local publicly owned
17 electric utility.

18 (3) Deliver electricity generated by an eligible renewable energy
19 resource.

20 (c) Where the BART District purchases electricity at more than
21 one location, at any voltage, from an electric utility under tariffs
22 regulated by the commission, the utility shall bill the BART District
23 for usage as though all the electricity purchased at transmission
24 level voltages were metered by a single meter at one location and
25 all the electricity purchased at subtransmission voltages were
26 metered by a single meter at one location, provided that any billing
27 for demand charges would be based on the coincident demand of
28 transmission and distribution metering.

29 (d) If, on or after January 1, 1996, the BART District leases or
30 has agreed to lease, as special facilities, utility plants for the

1 purpose of receiving power at transmission level voltages, an
2 electrical corporation may not terminate the lease without
3 concurrence from the BART District.

4 (e) When the BART District elects to have electricity delivered
5 pursuant to subdivision (b), neither Sections 365 and 366, and any
6 commission regulations, orders, or tariffs, that implement direct
7 transactions, are applicable, nor is the BART District an electricity
8 supplier. Neither the commission, nor any electrical corporation
9 that delivers the federal power or electricity purchased from a local
10 publicly owned electric utility or generated by an eligible
11 renewable energy resource to the BART District, shall require that
12 an electricity supplier be designated as a condition of the delivery
13 of that electricity.

14 (f) The BART District may elect to obtain electricity from the
15 following multiple sources at the same time:

- 16 (1) Electricity delivered pursuant to subdivision (b).
17 (2) Electricity supplied by one or more direct transactions.
18 (3) Electricity from any electrical corporation that owns and
19 operates transmission and distribution facilities that deliver
20 electricity at one or more locations to the BART District's system.

21 (g) For purposes of this section, "eligible renewable energy
22 resources" has the same meaning as ~~in Article 16 (commencing~~
23 ~~with Section 399.11) of Chapter 2.3: defined in subdivision (e) of~~
24 *Section 399.12.*